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LATE NEWS--

PATENTS ON LIFE

In contrast to its expected role of settling issues by its decisions, the U.S. Supreme Court has generated a hot, long-term debate in granting the right to seek a patent on the development of a living organism.

The General Electric Company sought a patent on a new microorganism developed in its laboratories. It was rejected by a patent examiner on the ground that living things are not patentable (despite the patentability of plants under a 1930 Act). His ruling was confirmed by the Commissioner of Patents and Trademarks, but reversed by the Court of Customs and Patent Appeals. An appeal by the Commissioner of Patents and Trademarks to the U.S. Supreme Court was the occasion for the Court's ruling this week.

The decision was 5-4 with the decision written by conservative Chief Justice Warren Burger.

The Court made clear that Congress can act to deny such patents--the ruling is based on existing legislation.

One thing is sure--industrial genetic engineering has received a shot in the arm from this decision.

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